

REMARKS / DISCUSSION OF ISSUES

Claims 1-2, 4-6, and 8-20 are pending in the application. Claims 1 and 8 are amended to correct a typographical error, and to provide a proper antecedent basis for each claimed element. The applicant respectfully requests entry of this amendment, to place the claims in better condition for appeal. No new matter is added, and the intended scope of the claims is unchanged.

The Office action rejects claims 1-2, 4, 8-9, and 15 under 35 U.S.C. 103(a) over Ganek et al. (USP 5,682,597, hereinafter Ganek) in view of Igawa et al. (USP 7,100,192, hereinafter Igawa). The applicant respectfully traverses this rejection.

In each of independent claims 1 and 8, the applicant specifically claims controlling and managing ***broadcasting sources that are adapted to ensure temporal shifts*** between the video signals supplied by the different sources, ***all of which*** are proportional to one and the same elementary shift interval, and include means for receiving a request for a video signal as from a given position, wherein the controlling and managing means are adapted to ***control one of the broadcasting sources*** for broadcasting the video signal as from the given position ***only*** in the case of receiving a request for said video signal as from the given position. Independent claims 9 and 15 includes similar features.

That is, in each of the applicant's independent claims, the applicant specifically claims controlling the broadcast sources that are providing the time-shifted video signal, based on receiving a request for the video signal.

Ganek discloses sending a beginning segment of a requested program to a user's viewbox upon receipt of a request, and, concurrently, the viewbox initiates recording of the subsequent segments from the time-shifted material that is being continuously broadcast. At the end of presenting the beginning segment, the viewbox switches to presenting the recorded subsequent segments. In this manner, it appears to the user that the program is immediately available on demand, regardless of the actual interval between the continuously broadcast time shifted material.

In support of the rejection of the applicant's independent claims, the Examiner refers to the two different sources of material in Ganek: the broadcast sources that continuously provide the time-shifted content material, and the other source that provides the beginning segment of the content material when the user's request is received, asynchronous to the transmissions from the broadcast sources. The applicant acknowledges that Ganek's second source of the beginning segment is controlled based on receipt of a user's request, but respectfully maintain that the broadcast sources that are providing the material at times proportional to a given shift interval are not controlled based on receipt of a user's request, as specifically claimed by the applicant.

The source in Ganek that is being controlled based on receiving a request is not a broadcast source that ensures a temporal shift that is proportional to an elemental shift interval, and thus Ganek cannot be said to teach or suggest this element of the applicant's independent claims 1, 8, 9, and 15.

The applicant specifically claims that all of the broadcast sources provide the material at a temporal time shift that is proportional to the same shift interval of the other sources. By definition, Ganek's asynchronous source of the beginning segment of the program material does not provide this material at a temporal time shift that is proportional to the same shift interval of the other sources, and hence cannot be said to correspond to the applicant's claimed broadcast source that is controlled based on receipt of a request for a video signal, as specifically claimed in each of the applicant's independent claims. Accordingly, the applicant respectfully maintains that the rejection of claims 1-2, 4, 8-9, and 15 under 35 U.S.C. 103(a) that relies on Ganek for this teaching is unfounded, and should be withdrawn.

The Office action rejects:

claims 5-6, 13, and 19 under 35 U.S.C. 103(a) over Ganek, Igawa, and O'Callaghan et al. (USP 5,477,263, hereinafter O'Callaghan);

claims 10-12 and 16-18 under 35 U.S.C. 103(a) over Ganek, Igawa, and Rao (USP 7,278,152); and

claim 14 and 20 under 35 U.S.C. 103(a) over Ganek, Igawa, O'Callaghan, and Rao. The applicant respectfully traverses these rejections.

Each of these rejected claims is dependent upon independent claim 1, 9, or 15, and in each of these rejections, the Examiner relies on Ganek and Igawa for teaching the elements of these independent claims. O'Callaghan and Rao fail to cure the deficiencies in the rejection of independent claims 1, 9, and 15, and accordingly, the applicant respectfully maintains that these rejected claims are patentable for at least the same reasons presented above regarding the rejection of claims 1, 9, and 15.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/  
Robert M. McDermott, Esq.

Reg. 41,508  
804-493-0707  
for: Kevin C. Ecker  
Reg. 43,600  
914-333-9618

**Please direct all correspondence to:**  
Corporate Counsel – IP&S  
U.S. PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001